

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

KT IMAGING USA, LLC,

Plaintiff,

Civil Action No.: 6:22-cv-00872-ADA

v.

JURY TRIAL DEMANDED

ANKER INNOVATIONS LTD.,

Defendant.

AGREED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

Deadline	Item
October 17, 2023	Deadline to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
September 19, 2023	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
October 10, 2023	The Parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.

November 14, 2023	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
November 28, 2023	Parties exchange claim terms for construction.
December 12, 2023	Parties exchange proposed claim constructions.
December 19, 2023	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
December 26, 2023	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
January 2, 2024	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
January 23, 2024	Plaintiff files Responsive claim construction brief.
February 6, 2024	Defendant files Reply claim construction brief.
February 6, 2024	Parties to jointly email the law clerks (see OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
February 20, 2024	Plaintiff files a Sur-Reply claim construction brief.
February 23, 2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. <i>See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
February 27, 2024	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
March 5, 2024	<i>Markman Hearing</i> at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
March 6, 2024	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
April 16, 2024	Deadline to add parties.

April 30, 2024	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
June 25, 2024	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
September 3, 2024	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
October 1, 2024	Close of Fact Discovery.
October 8, 2024	Opening Expert Reports.
November 5, 2024	Rebuttal Expert Reports.
November 26, 2024	Close of Expert Discovery.
December 3, 2024	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
December 10, 2024	Dispositive motion deadline and Daubert motion deadline. <i>See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
December 24, 2024	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
January 7, 2025	Serve objections to pretrial disclosures/rebuttal disclosures.
January 7, 2025	Parties to jointly email the Court's law clerk (<i>See OGP at 1</i>) to confirm their pretrial conference and trial dates
January 14, 2025	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
January 21, 2025	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
January 28, 2025	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com

	Deadline to file replies in motions <i>in limine</i> .
February 4, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
February 7, 2025	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
February 11, 2025	Final Pretrial Conference. Held in person unless otherwise requested.
March 4, 2025	Jury Selection/Trial.

Dated: _____

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE